



U.S. Department of Justice

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May 18, 2012

BY FACSIMILE

Hon. Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 1350
New York, New York 10007

Re: New York Times v. Department of Justice
11 Civ. 9336 (CM)

ACLU v. Department of Justice
12 Civ. 794 (CM)

Dear Judge McMahon:

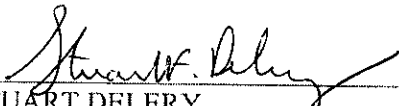
We write respectfully on behalf of the Department of Justice, the Department of Defense and the Central Intelligence Agency (collectively, the "Government"), the defendants in the above-referenced Freedom of Information Act ("FOIA") cases in which plaintiffs seek records pertaining to alleged targeted lethal operations directed at U.S. citizens and others affiliated with al Qaeda or other terrorist groups. Regrettably, in light of the status of the Government's ongoing deliberations regarding the national security interests implicated in this matter, we find it necessary to seek a further extension, until June 20, 2012, of the Government's deadline to file its consolidated motion for summary judgment in these related cases. In support of this request, we respectfully request leave to submit a second classified declaration by Director of National Intelligence James R. Clapper, Jr. ("Second Clapper Declaration").


As the Court is aware from our submission seeking an extension last month, this matter implicates extraordinarily sensitive national security matters that have been, and continue to be, the subject of deliberations at the highest levels of the Executive Branch. We are mindful of the Court's desire to move this case forward expeditiously, and we sincerely regret the necessity of this request for a further enlargement of time. As explained in the Second Clapper Declaration, the Government has made significant and diligent efforts to meet the present deadline. However, as also detailed in the Second Clapper Declaration, further deliberations and consultations are required to determine the Government's position with regard to the sensitive matters at issue. Attorney General Eric H. Holder, Jr. therefore has directed us to seek this further enlargement of time to allow the conclusion of this important process.

Plaintiffs previously had objected to an extension of more than one week of the Government's initial briefing deadline.

We thank the Court for its consideration of this submission. A Classified Information Security Officer will contact chambers shortly to make arrangements to make the classified declaration available to the Court.

Respectfully,


STUART DELERY
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